

*** NOT FOR PUBLICATION ***

NO. 25727

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OCWEN FEDERAL BANK, FSB, Plaintiff-Appellee

vs.

DANIEL A. JOHNSON, Defendant-Appellant

and

DONNA MAY TARAPE, Defendant

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 00-1-0391)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, and Acoba, JJ.
and Circuit Judge Town, assigned by reason of vacancy)

Upon review of the record, it appears that the circuit court's January 27, 2003 and February 12, 2003 orders determinating that Daniel Johnson has not established standing as a defendant or a counterclaimant in Civil No. 00-1-0391 is not a final determination on the matter of Johnson's standing inasmuch as Johnson has the opportunity to establish standing by moving to intervene. Absent entry of an order denying Johnson intervention under HRCP 24(a)(2), the appeal of the January 27, 2003 and February 12, 2003 orders is premature and we lack jurisdiction.

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, July 16, 2003.